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Paper No. 15

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
6 Becker Farm Road
Roseland NJ 07068

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DEC 16 2003

In re Application of	:	
Burt Swersey, Marcie J. Harvey, Elias Kaplan,	:	OFFICE OF PETITIONS
Jennifer Lamana, Stephen J. Howard, Dean	:	DECISION NOTING JOINDER AND
Meloney, John Weed, and Timothy Novak	:	DISMISSING PETITION UNDER
Application No. 09/800,872	:	37 C.F.R. §1.47(a) AS MOOT
Filed: March 7, 2001	:	
Title: DIFFERENTIAL PERMEOMETER	:	

This is in response to the fourth renewed petition under 37 C.F.R. 1.47(a)¹, filed December 5, 2003.

The petition is **DISMISSED AS MOOT**.

The above-identified application was filed on March 7, 2001. On April 18, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 CFR §1.63 and the surcharge for its late filing. This Notice set a two-month period for reply.

With the fourth renewed petition, petitioner has submitted an acceptable declaration that has been executed by the previously non-signing joint inventor Weed. A three-month extension of

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

time fee has been charged to petitioner's Deposit Account, as authorized in the petition, to make timely this response.

This declaration has been reviewed and found in compliance with 37 §CFR 1.63.

In view of the joinder of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanowski
Attorney
Office of Petitions
United States Patent and Trademark Office